IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1121 OF 2004.

Shri Maruti Mahadeo Girame ..Appellant

versus

Shri Shankar Dattatraya Girame
& Others ..Respondents

Mr. Deshpande for the appellant
V.V.Bakre Shashtry for the respondents

Coram : S.R.Sathe, J.
Dated : 4th July, 2007

P.C.

1. Heard the learned advocate for the appellant. Perused the judgment passed by the trial court as well as the first appellate court.

2. The plaintiff filed suit simplicitor for permanent injunction against the defendant alleging that the suit land is exclusively owned by him and it is in his exclusive possession. The defendants who ere relatives of plaintiffs-oppossed the said suit contending that the suit property is joint family property of plaintiff and defendants. The trial court, after considering the entire evidence held that the plaintiff has failed to prove that the suit property is exclusively owned and possessed by the plaintiff. Naturally, he dismissed the

plaintiff’s suit.

3. The learned Addl. District Judge after considering the evidence also held that the plaintiff has failed to prove that he is the exclusive owner of the suit land. Both the courts below held that merely because 32M certificate was granted in favour of plaintiff, it was not sufficient to hold that he was exclusive owner, particularly when the evidence on record established that there was joint family tenancy, and plaintiff being elder person 32M Certificate was issued in his name. Both the courts below have recorded the concurrent finding of facts regarding title and possession. There is nothing to indicate that the said findings are perverse. There is no error of law in the judgment passed by the first appellate court. Thus, there is no substantial question of law involved in the appeal. Hence, the appeal is dismissed in limine with costs.

(S.R.Sathe, J.)